

City of Punta Gorda

ORDINANCE NO. 1872-17

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA AMENDING CHAPTER 15, ORDINANCES AND MISCELLANEOUS PROVISIONS; ADDING A NEW SECTION 15-48, "CONTROL OF ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY"; PROVIDING FOR RECOGNITION THAT CERTAIN AREAS OF CITY-OWNED, CONTROLLED, AND LEASED PROPERTY MAY REQUIRE REGULATION OF PUBLIC ACCESS TO PROVIDE FOR THE SECURITY AND PRIVACY OF PUBLIC VISITORS, TO PROVIDE FOR THE SECURITY AND PRIVACY OF CITY EMPLOYEES AND OFFICIALS, AND TO MINIMIZE POTENTIAL DISRUPTIONS TO THE WORK OF CITY GOVERNMENT; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO MANAGE PUBLIC ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DESIGNATE WHICH AREAS OF CITY-OWNED, CONTROLLED, AND LEASED PROPERTY ARE TO BE CONSIDERED "DESIGNATED PUBLIC FORUM", "LIMITED DESIGNATED PUBLIC FORUM", AND "NONPUBLIC FORUM"; AUTHORIZING THE CITY MANAGER TO SEPARATE DESIGNATED PUBLIC FORUMS FROM NONPUBLIC FORUMS; AUTHORIZING THE CITY MANAGER TO DEVELOP AND IMPLEMENT PROCEDURES TO REGULATE AND CONTROL PUBLIC ACCESS TO CITY-OWNED, CONTROLLED, AND LEASED PROPERTY; PROHIBITING THE UNCONSENTED RECORDING OF VIDEO AND AUDIO WITHIN CITY-OWNED, CONTROLLED, AND LEASED PROPERTY, EXCEPT DURING PUBLIC MEETINGS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Punta Gorda, Florida may lawfully designate the degree of public access within City-owned, control, and leased property according to the purpose and use of areas within such property; and

WHEREAS, the City Council of the City of Punta Gorda, Florida seeks to maintain a safe and orderly environment on City-owned, controlled, and leased property which is conducive to the designated use of the areas within such City property and to the efficient rendering of public services; and

WHEREAS, the City Council of the City of Punta Gorda, Florida seeks to discourage and prevent behavior on City-owned, controlled, and leased property which interferes with the

designated use of the areas within such City property and to the efficient rendering of public services; and

WHEREAS, the City Council of the City of Punta Gorda, Florida recognizes that the public has certain constitutionally protected rights within designated public forums and limited designated forums, such rights may be subject to reasonable regulation within nonpublic forums; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 15, "Ordinances and Miscellaneous Provisions", Punta Gorda Code, is hereby amended by the addition of a new Section 15-48, Punta Gorda Code, to read as follows:

Sec. 15-48. Control of Access to City-owned, controlled, and leased property.

(a) Consistent with decisions of the U.S. Supreme Court, public access to areas within enclosed facilities owned, controlled, and leased by the City of Punta Gorda may be restricted depending upon whether such areas are classified as "designated public forum", "limited designated public forum", or "nonpublic forum". How areas within enclosed facilities owned, controlled, and leased by the City of Punta Gorda are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of City employees in the conduct of their business; there are certain areas which, while primarily intended for the use of City employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with City officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

(b) The City Manager is hereby authorized to manage public access to enclosed City-owned, controlled, and leased property. In the performance of such responsibilities, the City Manager shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.

(c) Upon the classification of areas within enclosed City-owned, controlled, and leased property, the City Manager is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to

the use of physical barriers and signage. The City Manager shall also have the authority to develop and implement procedures to regulate and control public access within City-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of City employees and officers; and to minimize potential disruptions to the work of City government. Any person who engages in conduct that causes disruptions to the work of City government shall be deemed to no longer be present within the City-owned, controlled, or leased property on legitimate public business.

(d) The City Council Chambers and conference rooms in the City Hall and City Hall Annex are hereby declared to be nonpublic forums unless or until a public meeting is convened in such areas pursuant to public notice. All City employee work areas within City Hall and the City Hall Annex which are designated by appropriate signage as work areas shall be considered as nonpublic forums. Members of the public are prohibited from entering City employee work areas without being escorted by a City employee. All other areas of the City Hall and City Hall Annex are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with City officers or employees shall be authorized. It shall be a violation of this Ordinance to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by the City Manager or his designee to be within a nonpublic forum or a limited public forum and who refuse to leave the premises upon request, shall be considered a trespasser. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct.

(e) Except within the City Council Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within City-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Ordinance, if anyone who is observed to be recording video and/or sound within City-owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease such activity after being advised that such activity is prohibited

under this Ordinance, such refusal shall be considered to be a disruption to the work of City government. Therefore, such person shall be deemed to no longer be present within the City-owned, controlled, or leased property on legitimate public business. The City Manager and his designees are hereby authorized on behalf of the City of Punta Gorda, Florida to ~~warn persons of this prohibited activity and request such activity to cease.~~ request any person who refuses to cease the unconsented to video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording, and refuses to immediately leave the premises following the request of the City Manager or his designee, shall be considered as a trespasser. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct..

(f) The City Manager and his designees may have cause to remove any person they determine:

1. Acts in any manner which violates or is reasonably suspected to violate any federal, state, or local law, ordinance, rule or regulation; or
2. Acts in any manner which violates any City rule or policy, including but not limited to the Facility Rules; or any directive on any sign or notice at the public property.

The City Manager and his designees are hereby authorized on behalf of the City of Punta Gorda, Florida to warn persons of this prohibited activity and request such activity to cease. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for these violations of conduct.

(g) The City Manager and his designees are hereby authorized on behalf of the City of Punta Gorda, Florida to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The City Manager, and his designees, are hereby be authorized to call upon law enforcement to treat as trespassers any persons who refuse to depart after such a request has been made. Law enforcement, at its option, may enforce any person's refusal to depart by means of Section 810.08 and 810.09, Florida Statutes or issue a trespass warning notice.

II. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a

court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.


III. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

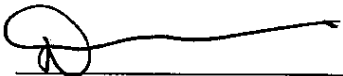
IV. This ordinance is intended to repeal and reenact the provisions of Ordinance No. 1867-17 and that any actions taken pursuant to the Emergency Ordinance shall remain in full force and effect upon the adoption of this Ordinance.

IV. This ordinance shall take effect immediately upon adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this 3rd day of May, 2017.


RACHEL KEESLING, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney